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Attorney's Docket No. 5051-451IP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Yuehua Li et al.

Serial No.: 09/914,020

Filed: December 31, 2002

For: *METHODS AND COMPOSITIONS FOR ALTERING MUCUS SECRETION*

Confirmation No. 8515

Group Art Unit: 1614

Examiner: Janet L. Epps Ford

Date: December 5, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated November 5, 2003, set forth therein, Applicants hereby elect Group I, Claims 1-4, 6-22, 24-25, 37-41 and 46-50 "drawn to peptide based inhibitors of mucus secretion and methods of use", with traverse, for substantive examination.

Applicants respectfully request reconsideration of the restriction requirement as to Groups II and III. It is respectfully submitted that a search of these claims would overlap with a search of Group I, hence grouping these claims together would not present an undue burden to the Patent Office.

Applicants also traverse this restriction on the basis that the Examiner has not demonstrated that the requirements for claim restriction have been met. In particular, it is stated in section 803 of the MPEP that two criteria for proper restriction of claims must be met: 1) The inventions must be independent and distinct as claimed, AND 2) there must be a serious burden on the examiner if restriction is required. The MPEP further states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

Applicants note that there is no evidence provided that it would be a serious burden to examine the claims together. Accordingly, Applicants again request reconsideration of Examining Groups II and III.

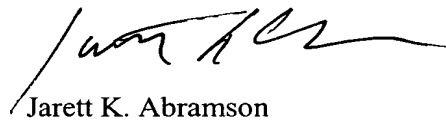
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The Examiner is encouraged to contact the undersigned directly if such contact will expedite the examination and allowance of the pending claims.

No fee is believed due with this response. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

It is respectfully submitted that this application is in condition for substantive examination, which action is respectfully requested.

Respectfully submitted,



Jarett K. Abramson  
Registration No. 47,376

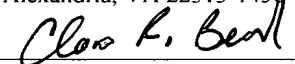
**Customer No. 20792**  
Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
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Clara R. Beard